IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.951 OF 2004
IN
L.C. SUIT NO.4788 OF 2004

Dinesh Maruti Shinde and others)..Appellants

versus

The State of Maharashtra)..Respondent

Mr.Harshal Mirashi for the Appellants.

Mr.K.K.Tated, A.G.P., for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 3RD NOVEMBER 2004

P.C. :

. The trial Court has held that the Suit is not maintainable has rejected the plaint. Interim relief has therefore been refused. According to the trial Court, the Plaintiffs have an efficacious remedy since they can seek redressal before the Competent Authority under the Highway Act, 1955. The Plaintiffs may approach the Competent Authority within a period of two weeks from today. No action will be taken by the Respondent in respect of the suit structures for a period of three weeks and the Competent Authority may decide whether to protect the structures any further.

2. Appeal From Order disposed of accordingly.

4. In view of the Appeal From Order being disposed of, nothing survives in Civil Application No.1309 of 2004 and the same is disposed of accordingly.